THE HON'BLE MS JUSTICE G. ROHINI

W.P.No.18296 of 2006

Dated: 01-09-2006

Between:

Sri Venkateswara Trading Company, rep. by its Managing Partner, Chunduru Seetharama Prasad and others.

..Petitioner

and

The Lakshmi Vilas Bank Limited, Vijayawada, rep. by its Branch Manager.

..Respondent.

THE HON'BLE MS JUSTICE G. ROHINI

W.P.No.18296 of 2006

ORDER:

The petitioners seek a writ of mandamus declaring the action of the respondent Bank in not paying back a sum of Rs.35,00,000/- allegedly collected from the petitioners on the basis of an ex parte decree granted in O.A.No.991 of 1997 on the file of the Debts Recovery Tribunal, Visakhapatnam as arbitrary and illegal.

The petitioners state that the ex parte decree was set aside by this Court and therefore, the respondent Bank is liable to refund the amount already deposited.

Having heard the learned counsel for the petitioners and having regard to the fact that the petitioners have already made an application in I.A.No.902 of 2003 in O.A.No.991 of 1997, which is admittedly pending before the Tribunal, I am not inclined to grant a writ of mandamus as prayed for. Instead, I deem it appropriate to dispose of the writ petition with a direction to the Debts Recovery Tribunal, Visakhapatnam to dispose of the application pending on its file as expeditiously as possible, preferably, within a period of three months from the receipt of a copy of this order. No costs.

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G. ROHINI, J

Dated: 01-09-2006
sj